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5 Attorneys for Defendant
6 PENGUIN MAGIC, INC.

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **WESTERN DIVISION**

10 YIGAL MESIKA, an individual,
11 Plaintiff,

12 vs.

13 PENGUIN MAGIC, INC., a Nevada
corporation, DOES 1-10, inclusive,
14 Defendant.

Case No. 2:15-cv-09314-RGK-DTB

**NOTICE OF LODGMENT OF
[PROPOSED] JUDGMENT**

Judge: Hon. R. Gary Klausner

Date: October 31, 2016

Time: 9:00 a.m.

Place: Courtroom 850
255 E. Temple St.
Los Angeles, CA 90012

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1 PLEASE TAKE NOTICE that attached hereto as Exhibit "A" is Defendant's
2 Notice of Lodgment of THE [Proposed] Judgment.

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4 Dated: September 29, 2016

Respectfully submitted,

5 **POLSINELLI LLP**

6 /S/TODD MALYNN

7 By: Todd M. Malynn, Esq.

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14 PENGUIN MAGIC. INC.

Exhibit A

1 TODD M. MALYNN (SBN 181595)
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10 **UNITED STATES DISTRICT COURT**
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17 corporation, DOES 1-10, inclusive,

18 Defendant.

Case No. 2:15-cv-09314-RGK-DTB

[PROPOSED] JUDGMENT

Judge: Hon. R. Gary Klausner

19 The Court, having read and considered, *inter alia*, Defendant Penguin
20 Magic's Memorandum of Points and Authorities, Statement of Uncontroverted
21 Facts and Conclusions of Law and supporting evidence, and having issued an
22 Order GRANTING Defendant Penguin Magic's Motion for Summary Judgment,
23 HEREBY ENTERS JUDGMENT AS FOLLOWS:

24 1. United States Trademark Registration No. 3,782,721 is invalid and
25 hereby cancelled pursuant to 15 U.S.C. § 1119;

26 2. United States Trademark Registration No. 3,978,477 is invalid and
27 hereby cancelled pursuant to 15 U.S.C. § 1119;

28 3. Defendant Penguin Magic has not infringed any valid, protectable
trademark right in the mark "LOOPS" allegedly held by Plaintiff Yigal Mesika;

1 4. Count 1 of Plaintiff Yigal Mesika's complaint is dismissed with
2 prejudice;

3 5. Count 2 of Plaintiff Yigal Mesika's complaint is dismissed with
4 prejudice;

5 6. Count 3 of Plaintiff Yigal Mesika's complaint is dismissed with
6 prejudice; and

7 7. Count 4 of Plaintiff Yigal Mesika's complaint is dismissed with
8 prejudice.

9 8. Plaintiff Yigal Mesika's is liable to Defendant Penguin Magic for
10 costs and attorneys' fees in the amount of _____.

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12 Dated: September 28, 2016 By: /s/ Todd Malynn

13 POL SINELLI PC
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CERTIFICATE OF SERVICE

I certify that on September 28, 2016, the foregoing document was served on
Plaintiffs' counsel of record by operation of the Court's CM/ECF system.

By: /s/ Todd Malyn

POLSINELLI PC

CERTIFICATE OF SERVICE

The undersigned certifies that on September 29, 2016, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Central District of California, using the Court's Electronic Case Filing (ECF) system. The ECF system routinely sends a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this notice of this document by electronic means.

Dated: September 29, 2016

POLSINELLI, PC

By: /s/AJ Cruickshank
AJ Cruickshank